IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12541 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JYOTSNA MAVJIBHAI DESAI

Versus

STATE EXAMINATION BOARD

Appearance:

1. Special Civil Application No. 12541 of 2002

MS ARCHANA K SINGH for Petitioner No. 1

MS DARSHANA PANDIT, AGP for Respondent No. 1-2

NOTICE SERVED BY DS for Respondent No. 1-2

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 24/01/2003

ORAL JUDGEMENT

1. Rule. As directed by the Court, ld. AGP Ms.

Darshana Pandit waives formal service of notice for the Respondents. With the consent of parties, the matter is taken up for final hearing today.

2. Ms. Archana Singh, ld. counsel appearing for the petitioner has taken me through the memo of the petition and other relevant aspects. It is submitted that one of the similarly situated person has approached this Court with an identical prayer by moving Special Civil Application No. 4934/2001 and vide Oral Judgment dated 25.7.2001, this Court (Coram: Pradip Kumar Sarkar,J), allowed the petition. It is also submitted that this decision was not carried in appeal and accordingly has become final. Today, during the course of oral submissions, she has tendered copy of one decision delivered by this Court (Coram: Jayant Patel,J) in Spl.C.A. NO. 9255/2002 dated 25.10.2002. According to ld. counsel Ms. Singh, respondents should be directed to declare the result and no formal reasons are required to be assigned as the matter is covered by the decision dated 25.7.2001.

3. Responsible Officer from the State Examination Board is present today before the Court.

4. Considering the totality of the facts and circumstances of the case and in view of the settled legal proposition enunciated in the aforesaid two decisions of this Court referred to earlier, this petition is required tobe allowed.

5. In the result, petition is allowed. Respondents authorities are directed to declare the result of the petitioner in accordance with law within 30 days from the date of receipt of writ of this order. Rule is made absolute with no order as to costs.

21.01.2003 [C.K. BUCH, J]

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